



Minutes of a public meeting held on **July 20, 2016**, by the **Sandwich Conservation Commission** in the Town Office Building, Conference Room, 270 Quaker Meetinghouse Rd., E. Sandwich, MA.

Members Present: Erin Jacque (EJ), Mike Zylich (MZ), Neal Holmgren (NH), Melissa Romano (MR) and Matthew Waldrip (MW).

Members Absent: Christopher Kirrane (CK), Karen Gagneax (KG) and Christopher Sellstone (CS).

Chairman, Neal Holmgren appointed alternate members (EJ) and (MW) as voting members for the evening.

1. NEW HEARINGS:

a. DEP File No. SE66-1730 Peter and Martha Loiter c/o Marsh Matters

Environmental has filed an After the fact Notice of Intent for the installation of a new septic at Assessor's Map 073- Parcel 015 located at **137 Main Street, Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application and the proposed septic plan. No Representative was present; Mike Ball, the Representative, sent a letter requesting that the Board review the project without him present and take a vote. Public comment was asked for, there was none. A **Motion** was made (MR) to close and take under advisement-Seconded (MZ). The Motion was passed with a vote of 5-0-0. After setting the special conditions a **Motion** was made (EJ) to approve with standard and special conditions-Seconded (MW). The Motion was passed with a vote of 5-0-0.

b. DEP File No. SE66-1736 Daniel Brooks c/o Eastbound Land Surveying, Inc. has filed a Notice of Intent for the proposed installation and maintenance of a pier and access to a seasonal dock at Assessor's Map 12- Parcel 122 located at **2 Pierre Vernier Drive, Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application and a proposed site plan. Pictures of the current conditions were submitted at the meeting, showing the dock already built and in the water. Representative, Robb Sykes (RS) was present. RS presented the project as proposed. There appeared to be several other violations on the property. The Board decided a site visit would be necessary and an Enforcement Letter should be sent. Public comment was asked for, there was none. A **Motion** was made (MZ) to continue to the August 3rd, 2016 meeting for a site visit and the issuance of an Enforcement Letter-Seconded (MR). The Motion was passed with a vote of 5-0-0.

c. DEP File No. SE66-1732 Ellen M. Varnerin c/o VH Associates has filed an After the fact Notice of Intent for the installation of a new septic at Assessor's Map 36- Parcel 64/44 located at **11 Betty Avenue, Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application, an existing conditions plan and a proposed septic plan. Present was Representative, Amy VonHone. The project was presented as proposed. Matthew Waldrip (MW) asked if an Emergency Certificate had been issued, Amy VonHone (AV) replied that it had been. Chairman, Neal Holmgren (NH) asked if the new system was outside the 50' buffer zone, AV replied that it was. NH asked why the old system failed; AV replied that it was because of the age of the system. Public comment was asked for, there was none. A **Motion** was made (MZ) to close and take under advisement-Seconded (MR). The Motion was passed with a vote of 5-0-0. After setting the special conditions, a **Motion** was made (EJ) to approve with standard and special conditions-Seconded (MW). The Motion was passed with a vote of 5-0-0.

- d. **DEP File No. SE66-1731 Christus Murphy c/o Cotuit Bay Design LLC** has filed a Notice of Intent for the proposed rebuild of a portion of the residence which was badly damaged as a result of an automobile accident at Assessor's Map 89- Parcel 112 located at **84 Wood Avenue, Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application, design plans and a site plan. Present was Representative, Steve Cook (SC). The project was presented as proposed. Erin Jacque (EJ) asked if the deck size would increase, SC replied that it would not. There was a discussion among Board members to allow an in kind replacement due to hardship. A car had hit the house causing the damages. There was discussion about the applicant revegetating up to the coastal bank. Public comment was asked for, there was none. A **Motion** was made (MZ) to close and take under advisement-Seconded (MR). The Motion was passed with a vote of 5-0-0. After setting the special conditions, a **Motion** was made (MW) to approve with standard and special conditions-Seconded (MR). The Motion was passed with a vote of 5-0-0.
- e. **DEP File No. SE66-1733 Nancy J. Stein c/o VH Associates** has filed a Notice of Intent for the proposed replacement of a failed cesspool with a Title V septic system at Assessor's Map 77- Parcel 52 located at **85 Salt Marsh Road, East Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application and a proposed septic plan. Present was Representative, Amy VonHone. The project was presented as proposed. Chairman, Neal Holmgren (NH) asked if the old components are being removed, Amy VonHone (AV) replied that they are. Erin Jacque (EJ) asked if the septic size was being increased, AV replied that it was, however, there will be no bedrooms added because there is a deed restriction on the property from the Board of Health. Public comment was asked for, there was none. A **Motion** was made (MZ) to close and take under advisement-Seconded (MW). The Motion was passed with a vote of 5-0-0. After setting the special conditions, a **Motion** was made (EJ) to approve with standard and special conditions-Seconded (MW). The Motion was passed with a vote of 5-0-0.

2. CONTINUED HEARINGS

- a. **DEP File No. SE66-1727 Rudy Dajie c/o Sabatia, Inc.** has filed a Notice of Intent for the proposed construction of a dock and pier into the waters of Old Harbor Creek at Assessor's Map 76- Parcel 040 located at **62 Salt Marsh Road, East Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application and a proposed site plan. Documents submitted later as follows: Natural Heritage letter and the Shellfish Survey completed by Bob Gray. Representative, Bob Gray and Engineer, Roger Michniewicz were present. Bob Gray presented the findings of his Shellfish Survey, several species had been found. Chairman, Neal Holmgren (NH) read the Natural Heritage letter into the record, the letter stated that the project would cause no adverse effects. Public comment was asked for, there was none. A **Motion** was made (MZ) to close and take under advisement-Seconded (MR). The Motion was passed with a vote of 4-0-1. Commissioner, Erin Jacque abstained from the vote. After setting the special conditions, a **Motion** was made (MZ) to approve with standard and special conditions- Seconded (MW). The Motion was passed with a vote of 4-0-1. Commissioner, Erin Jacque abstained from the vote.

b. **RDA File No. SCC2016D-02 The Town of Sandwich** has filed a Request for Determination of Applicability for the construction of a swale to handle Storm water overflows at Assessor's Map 35 Parcel 007 located at **82 Old County Road, East Sandwich, MA.** Documents submitted with the application as follows: Application for Request for Determination of Applicability and site plans. All documents received post submission: 02/17/16 letter from The Nye Family of America Association, Inc., 02/17/16 picture of the new swale, 02/23/16 notice from Sam Jensen to continue the hearing to 03/02/16, 02/24/16 notice from Sam Jensen to continue the hearing to 03/16/16, 03/11/16 email sent to the Board to set up a site visit, 03/11/16 notice from Sam Jensen to continue the hearing to 04/06/16, 03/14/16 letter from Norman Hayes, 03/29/16 letter from John Cullity, 04/05/16 notice from Sam Jensen to continue the hearing to 04/20/16, 04/13/16 letter from Natural Heritage, 04/19/16 notice from Sam Jensen to continue the hearing to 05/18/16, 04/28/16 email from Division of Marine Fisheries, 05/18/16 from Sam Jensen a rough layout of improvements and a notice to continue the hearing to 06/01/16, 06/01/16 list of concerns from the Nye Family of America Association, Inc., 06/10/16 memorandum from Paul Tilton, 06/13/16 newspaper article, 06/15/16 notice from Sam Jensen to continue the hearing to 07/20/16. Present were Director of Public Works/Town Engineer, Paul Tilton (PT) and Assistant Town Engineer, Sam Jensen (SJ). SJ presented an update on the project. There was extensive discussion on the design of the swale and the second swale; Commissioner Erin Jacque (EJ) read into record several documents about Storm water regulations; there was much discussion on the design of the swale by the applicant and the Board. Public comment was asked for; John Cullity stated his opposition to the project. A **Motion** was made (MZ) to approve the project with a -3 determination (The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).)-Seconded (NH). The Motion was passed with a vote of 2-1-2. Commissioner, Erin Jacque did not approve the project, Commissioners, Matthew Waldrip and Melissa Romano abstained from the vote.

▪ **Informal's:**

- **DEP File No. SE66-1459, 12 Marshview Circle**, Present was Representative, Steve Cook (SC). SC presented a plan change to the previously approved plan for 12 Marshview Circle and asked how the applicant should proceed. A **Motion** was made (EJ) for the applicant to file an Amendment to the previously approved Order of Conditions for the proposed changes-Seconded (MZ). The Motion was passed with a vote of 5-0-0.
- **DEP File No. SE66-1725, 236 Phillips Road**, No Representative was present. The Board reviewed the letter and plan submitted. A **Motion** was made (MZ) for the applicant to file an Amendment to the previously approved Order of Conditions for the proposed changes-Seconded (MR). The Motion was passed with a vote of 5-0-0.

▪ **Other Business:**

- The Board read a letter from Mrs. Fisk of 11 Water Street regarding a land gift that she and her husband would like to make to the Conservation Commission. The Board decided that they would accept the land donation.
- Barry Iadarola (BI) came before the Board to discuss a letter he sent to the Board regarding 1, 3, 5 White Cap Path. BI presented plans and photographs of the property and presented what he thinks are violations to their Order of Conditions. Chairman, Neal Holmgren read a letter from Town Counsel into the record. BI asked if the Board could contact him about the information that he presented, he then thanked the Board for their time and left.

▪ **Minutes:**

- A **Motion** was made (MZ) to approve the Minutes for the June 01, 2016 Con Com Hearing, Seconded (MR). The Motion was passed with a vote of 4-0-1. Commissioner, Erin Jacque abstained from the vote.
- A **Motion** was made (EJ) to approve the Minutes for the June 15, 2016 Con Com Hearing, Seconded (MR). The Motion was passed with a vote of 5-0-0.

▪ **Adjournment:**

- A **Motion** was made (MW) to adjourn at 9:40 PM – Seconded (EJ). The Motion passed with a vote of 5-0-0.

Respectfully Submitted,
Heidi Hawkins

Date Approved _____

8/17/16

Chairman _____

[Signature]

Date & Time Received by Town Clerks

TOWN CLERK
TOWN OF SANDWICH

AUG 18 2016

12H 20M P Ma
RECEIVED & RECORDED